

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

In re:)	
)	
ANDERSON LEE,)	
BEVERLY ELIZ LEE,)	
)	Case No. 11-70176-SCS
<i>Debtors.</i>)	
)	
ANDERSON LEE,)	
BEVERLY ELIZ LEE,)	
)	APN 11-07044-SCS
<i>Plaintiffs,</i>)	
)	
v.)	
)	
MORTGAGE ELECTRONIC REGISTRATION)	
SYSTEMS,)	
REAL-TIME RESOLUTIONS, INC.,)	
)	Chapter 13
<i>Defendants.</i>)	
)	

PRETRIAL ORDER

Pursuant to Federal Rule of Bankruptcy Procedure 7016, this Court conducted a Pretrial Conference, which counsel for the Plaintiffs, counsel for Real-Time Resolutions, Inc., and counsel for the Chapter 13 Trustee attended on **May 12, 2011**. No one appeared on behalf of Mortgage Electronic Registration Systems. As a result of the conference, it is ORDERED that the following schedule is established in this proceeding and that failure to comply with this Order shall result in the imposition of appropriate sanctions, including the preclusion of evidence and the entry of judgment by default.

1. *Trial Date.* The trial of this matter shall be held in the United States Bankruptcy Court, **600 Granby Street, Norfolk, Virginia**, beginning at **9:30 a.m.** on **November 9, 2011**.

2. *Discovery.* In accordance with Federal Rule of Bankruptcy Procedure 7026, counsel for the parties and/or the unrepresented parties have met, exchanged among themselves, and have developed a discovery plan. As a result, the parties have represented to the Court that the matter is mature for additional discovery, and accordingly, the following discovery schedule is set:

- A. All discovery is to be completed by all the parties on or before **October 11, 2011**.
- B. All motions, including Motions for Summary Judgment, are to be filed on or before **October 20, 2011**.

- C. All Exhibits proposed by the Plaintiffs and the Defendants are to be exchanged with the other parties and filed with the Court *at least ten (10) days before trial*. The Exhibits shall be filed in accordance with the attached instructions. Exhibits not objected to in writing on or before seven (7) days prior to trial will stand as admitted into evidence. At the time the Exhibits are filed, the parties shall also file an Exhibit List in accordance with the attached instructions.
 - D. On or before ten (10) days prior to trial, the Plaintiffs shall file a list of witnesses whom the Plaintiffs intend to call at trial, and the other parties shall file their lists of witnesses on or before five (5) days prior to trial.
 - E. All Stipulations of Fact *are encouraged* and shall be filed at least five (5) business days prior to trial.
 - F. **Disclosures under Federal Rule of Bankruptcy Procedure 7026(a)(2) involving the disclosure of expert testimony must be made by all parties no later than fifteen (15) days before the discovery completion date set out in paragraph 2A above.**
 - G. The failure to comply with properly propounded discovery under Federal Rule of Bankruptcy Procedure 7026 *et seq.* may result in the imposition of sanctions under Federal Rule of Bankruptcy Procedure 7037. The failure to timely file Exhibits, witness lists, and Stipulations of Fact may result in the denial of the right to present evidence at trial and the imposition of sanctions upon the parties and/or counsel.
3. *Conference of Counsel and/or the Parties.* Four (4) days prior to trial, counsel and/or the parties shall meet in person or telephonically to discuss the trial of this matter, including settlement, Stipulations of Fact, and the presentation of evidence at trial.
4. *Final Pretrial Conference.* A Final Pretrial Conference will not be scheduled at this time.
5. It is the responsibility of the parties and their respective counsel to know and follow the procedures set forth in this Order and in the statutes, Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rules and to know and follow the requirements of the Court.
6. It is the responsibility of the Plaintiffs to advise the Court of any settlement or any other valid reason that a Court-scheduled Pretrial Conference, hearing, or trial need not be conducted. The Plaintiffs are advised to provide the Court with such notification as far in advance of any such conference, hearing, or trial as is practical under the circumstances. *Failure of the Plaintiffs to properly and timely notify the Court may result in the imposition of sanctions.*

The Clerk shall mail a copy of this Order to counsel for the Plaintiffs and counsel for the Defendants or to the unrepresented parties themselves.

STEPHEN C. ST. JOHN
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

INSTRUCTIONS FOR PREPARING EXHIBIT LIST AND PRE-MARKING EXHIBITS

Exhibit List: The Exhibit List must be typewritten, double-spaced, and should briefly describe each Exhibit to be introduced at trial. The “admitted” and “identified” columns should be left blank.

Exhibits: Each Exhibit should be numbered on a colored adhesive label, in accordance with the following:

Plaintiff*	Yellow Numerically-- #1, #2, #3, etc.
Defendant*	Blue Alphabetically-- A, B, C, etc. Followed by AA, AB, AC, etc., then BA, BB, BC, etc.
Government	Yellow Numerically-- #101, #102, #103, etc.

**In cases involving more than one Plaintiff or Defendant, identify the appropriate party on each Exhibit.*

The adhesive labels should be affixed at the bottom of the Exhibit. Exhibits must be numbered to correspond with the numbers assigned to such Exhibit on the Exhibit List.

Exhibits should be letter size (8-1/2” x 11”), photo-reduced if necessary, pursuant to Local Bankruptcy Rule 5005-1(C)(3).

If an Exhibit is a small document, such Exhibit must be stapled to a sheet of letter size (8-1/2” x 11”) paper, and the Exhibit label affixed to the bottom of the sheet of paper. In the case of a group of photographs or checks, please affix a separate label to each photograph or check and number as follows:

Plaintiff	1-A, 1-B, 1-C, etc.
Defendant	A-1, A-2, A-3, etc.
Government	101-A, 101-B, 101-C, etc.

The marked Exhibits must be bound firmly and tabbed. The originals and **two copies** of both the Exhibits and Exhibits List should be filed with the Court by the date set in the Pretrial Order. Sufficient copies should be available for each opposing counsel and the Judge’s law clerk. It is desirable that counsel stipulate as to the admissibility of as many Exhibits as possible so that such Exhibits may be admitted into evidence at the beginning of trial.

Note: Please refer to Local Bankruptcy Rule 9070-1 for procedural information on exhibits.